



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN THE MATTER OF THE COMPLAINT OF)
JUPITER ALUMINUM CORPORATION)
AGAINST NORTHERN INDIANA PUBLIC)
SERVICE COMPANY FOR FAILURE TO)
PROVIDE REASONABLE AND ADEQUATE)
SERVICE AND FACILITIES)

CAUSE NO. 42415

FILED

MAY 20 2004

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") caused the following entry to be made in this matter:

On March 31, 2004, Northern Indiana Public Service Company ("NIPSCO") filed its Initial Report as required by the Commission's December 23, 2004 Interim Order ("Interim Order") in this matter. On April 13, 2004, Jupiter Aluminum Corporation ("Jupiter") filed a Response ("Response") to NIPSCO's Initial Report. On April 20, 2004, NIPSCO filed a *Reply to Jupiter's Response* ("NIPSCO Reply") and a *Motion for an Attorneys' Conference*. On April 28, 2004, Jupiter filed a *Response to NIPSCO's Motion for an Attorneys' Conference and a Surreply regarding NIPSCO's April 20, 2004 Reply* ("Response to Attorneys' Conference"). On May 6, 2004, NIPSCO filed a *Reply to the Response of Jupiter Aluminum Corporation Regarding an Attorney's Conference*.

It is noteworthy that this flurry of activity, set off by the filing of Jupiter's Response, was not provided for under the terms of the Interim Order. In addition, neither party requested leave with the Commission, which is a common practice under our administrative rules, seeking permission to file additional documents in this matter. The Interim Order could not be clearer in its description of what is required from the parties, as it contains only two substantive ordering paragraphs which state in their entirety that:

1. The Commission hereby finds that NIPSCO shall file an Initial Report with the Commission on or before March 31, 2004, that fully discusses the steps that NIPSCO has taken or plans to take to evaluate the power quality aspects of circuit 3409 from the Roxanna substation to the Jupiter facility. This analysis should include a review based upon a wide variety of conditions and events that are likely to occur, and therefore should be conducted between April 1, 2004 and September 30, 2004.
2. The Commission further finds that on October 22, 2004, NIPSCO shall file a ("Final Report") that includes the results of its investigation and any additional information appropriate for the complete resolution of this matter. As part of the Final Report, NIPSCO should indicate what additional steps it believes are necessary, or have been taken either by NIPSCO or Jupiter, to ensure that quality service is provided to the Jupiter facility.¹

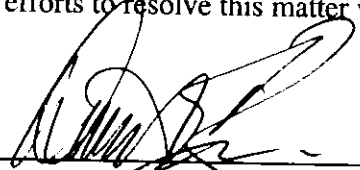
1. In its Interim Order, the Commission further indicated that: "If the Final Report indicates that all power quality issues at the Jupiter Facility have been addressed and resolved by the Parties, then the Final Report should also be utilized to update the Commission regarding the Parties' efforts to reach a compromise regarding the outstanding unresolved monetary issues presented in this matter." Interim Order at 14-15.

In its Motion filed on April 20, 2004, NIPSCO requested an Attorney's Conference, in order to "clarify" the requirements set forth in the Interim Order. In response, Jupiter indicated that: "...attorneys for the parties met earlier this year, and it is unlikely that additional meetings between the attorneys will resolve the parties differing interpretations." Response to Attorneys' Conference at 5. We agree that it appears that there is little to be gained by an Attorneys' Conference, as the Interim Order outlines the requirements set-forth by the Commission and is not in need of clarification.

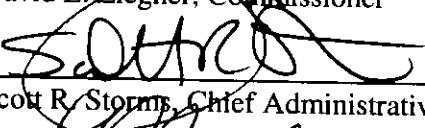
The Commission anticipated that the period between December 23, 2003, and October 22, 2004, would be used as an opportunity for the parties to work cooperatively in an effort to fully identify and resolve all issues in this matter (including monetary issues presented in this Cause). However, it is apparent that this approach has not been adopted by the Parties who view this interim period as an opportunity to unilaterally revive litigation in this Cause without regard for, or in spite of, the Commission's findings in its Interim Order. While this approach may be acceptable to the Parties, it is not acceptable to the Presiding Officers.

Accordingly, as additional filings were not anticipated or required under the Interim Order, absent the filing of a *Request for Leave*, subject to approval by the Presiding Officers which identifies the nature and purpose of any additional information to be submitted, additional filings will not be considered. The Parties should work cooperatively to ensure that the Final Report fully addresses all issues at the Jupiter Facility, and clearly conveys the Parties' efforts to resolve this matter without further litigation.

IT IS SO ORDERED.



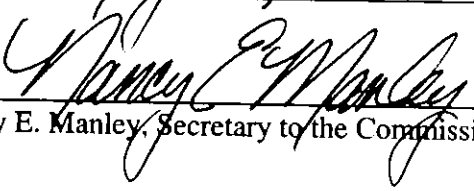
David E. Ziegner, Commissioner



Scott R. Storms, Chief Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission